

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LORENZO GAFFNEY,

Petitioner,

v

Case No. 08-13462

NICK LUDWICK,

DISTRICT JUDGE ARTHUR J. TARNOW

Respondent.

MAG. JUDGE PAUL J. KOMIVES

_____/

**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION
AND DENYING CERTIFICATE OF APPEALABILITY**

Before the Court is Magistrate Judge Komives' Report and Recommendation [Docket #10] filed May 18, 2010. The Magistrate Judge recommends that this Court deny petitioner's application for the writ of habeas corpus and certificate of appealability. No objections were filed.

Having reviewed the file and the Report and Recommendation, the Court **ADOPTS** the Report; except II, D, 3 pages beginning last paragraph of page 13 through and including first paragraph of pages 16, which is not necessary, and Recommendation as the findings and conclusions of the Court. Accordingly, petitioner's application for the writ of habeas corpus and certificate of appealability are **DENIED**.

s/Arthur J. Tarnow

Arthur J. Tarnow

United States District Judge

Dated: June 21, 2010

I hereby certify that a copy of the foregoing document was served upon parties/counsel of record on June 21, 2010, by electronic and/or ordinary mail.

s/Catherine A. Pickles
Judicial Secretary